

REMARKS

This paper is filed in response to the Office Action dated December 16, 2004. As this paper is filed on March 16, 2005 with a Request for Continued Examination, the paper is timely filed.

I. Status of Amendments

Claims 14-29 were pending. By this amendment, claims 14, 16, 20, 21, 23, 25 are amended, and claims 27-29 have been cancelled without prejudice to refile. Claims 14-26 are thus presently pending.

II. Interview Summary

On January 6, 2005, the undersigned had a teleconference with the examiner in regard to this application. The undersigned and the examiner discussed amending certain claims to replace "wastewater" with "sludge." The undersigned and the examiner also discussed the obviousness-type double patenting rejection raised in a previous Office Action. No agreement was reached as to the allowability of the claims, so the applicants have filed this amendment and Request for Continued Examination.

III. Response to the December 16 Office Action

Claims 14-29 are rejected under 35 U.S.C. 112, second paragraph, as allegedly failing to comply with the written description requirement. Claims 27-29 have been cancelled, thereby mooted the rejection of these claims. As to the remaining claims, claims 14, 16, 20, 21, 23, and 25 have been amended to replace "incoming wastewater" with "sludge." Applicants submit that the amendment is in keeping with the specification and the examiner's comments on page 2 of the December 16 Office Action.

Claims 14-29 are rejected under 35 U.S.C. 103 as allegedly unpatentable over Held et al. (U.S. Patent No. 6,491,820). Claims 27-29 have been cancelled, thereby mooted the

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rejection of these claims. As to the remaining claims, applicants note that their priority claim to U.S. Patent Application No. 09/612,776 was dismissed on the basis that certain steps “appear to lack clear antecedent basis in the above priority application.” The steps specifically noted, on page 3 of the December 16 Office Action, were:

“[F]or directing a [sic., at] least a portion of incoming wastewater to an electroporating station, and electroporating the portion of incoming wastewater.”

By this amendment, all references to “incoming wastewater” have been replaced with references to “sludge.” Applicants submit that the amendment addresses the alleged lack of antecedent basis, that the claims are entitled to the priority of the ‘776 application, and that the rejection should be withdrawn.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below. Further, if there are any additional fees or refunds required, the commissioner is directed to charge our debit deposit account no. 13-2855.

Dated: March 16, 2005

Respectfully submitted,

By 

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